

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARTIN DELGADILLO,

Petitioner,

v.

No. CV 10 -1055 JC/CG
CR 09 -1862 JC

UNITED STATES OF AMERICA,

Respondent,

ORDER EXTENDING TIME TO ANSWER

THIS MATTER is before the Court, *sua sponte*. Respondent is granted an extension of time to file an answer to Petitioner's *Motion to Vacate, Set Aside, Or Correct Sentence Pursuant to 28 U.S.C. 2255* ('Petition') (Doc. 1). Respondent was originally ordered to answer the Petition by December 3, 2010. (Doc. 2). Respondent requested a two week extension to file the answer, which the Court granted on December 3, 2010. (Doc. 4). Respondent's answer was due on or before December 17, 2010, but Respondent failed to file an answer by that date. The Court then filed an Order to Show Cause directing Respondent to explain why he had not filed an answer. (Doc. 5). Respondent did not respond to the Order to Show Cause.

Upon further review, it appears that Assistant United States Attorney Roberto Ortega was never properly entered as counsel for Respondent in CM/ECF and that Mr. Ortega never received the Court's Order granting the extension of time to file the answer or the Order to Show Cause. Mr. Ortega has now been properly entered as counsel for Respondents.

IT IS THEREFORE ORDERED that the deadline for Respondent to file an answer to the Petition shall be extended by ten calendar days. Respondent's answer shall be due no later than February 7, 2011.

A handwritten signature in black ink, appearing to read 'Carmen E. Garza', written over a horizontal line.

CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE